

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
Charlottesville Division**

ELIZABETH SINES, SETH WISPELWEY,  
MARISSA BLAIR, APRIL MUNIZ,  
MARCUS MARTIN, NATALIE ROMERO,  
CHELSEA ALVARADO, JOHN DOE, and  
THOMAS BAKER

Plaintiffs,

v.

JASON KESSLER, RICHARD SPENCER,  
CHRISTOPHER CANTWELL, JAMES  
ALEX FIELDS, JR., VANGUARD  
AMERICA, ANDREW ANGLIN,  
MOONBASE HOLDINGS, LLC, ROBERT  
“AZZMADOR” RAY, NATHAN DAMIGO,  
ELLIOT KLINE a/k/a/ ELI MOSLEY,  
IDENTITY EVROPA, MATTHEW  
HEIMBACH, MATTHEW PARROTT a/k/a  
DAVID MATTHEW PARROTT,  
TRADITIONALIST WORKER PARTY,  
MICHAEL HILL, MICHAEL TUBBS,  
LEAGUE OF THE SOUTH, JEFF SCHOEP,  
NATIONAL SOCIALIST MOVEMENT,  
NATIONALIST FRONT, AUGUSTUS SOL  
INVICTUS, FRATERNAL ORDER OF THE  
ALT-KNIGHTS, MICHAEL “ENOC”  
PEINOVICH, LOYAL WHITE KNIGHTS OF  
THE KU KLUX KLAN, and EAST COAST  
KNIGHTS OF THE KU KLUX KLAN a/k/a  
EAST COAST KNIGHTS OF THE TRUE  
INVISIBLE EMPIRE,

Defendants.

**Civil Action No. 3:17-cv-00072-NKM**

**SUPPLEMENT TO PLAINTIFFS’ MOTION TO ENJOIN DEFENDANT CANTWELL  
FROM MAKING UNLAWFUL THREATS AGAINST PLAINTIFFS AND PLAINTIFFS’  
COUNSEL**

We write to provide the Court with an update concerning Mr. Cantwell's federal prosecution, as discussed earlier this week during the telephone conference with Magistrate Judge Hoppe.

As we informed the Court on January 23, 2020, Defendant Cantwell was arrested and indicted in the District of New Hampshire for making a violent threat against another person on Telegram, the same platform he used to threaten Ms. Kaplan, just two days before he threatened Ms. Kaplan. (*See* ECF No. 640; *United States v. Cantwell*, No. 1:20-cr-06-PB (D.N.H. 2020).)

During Defendant Cantwell's pre-trial detention hearing on February 20, 2020, the United States Attorney's Office for New Hampshire introduced evidence of the threat that Defendant Cantwell had made against Plaintiffs' counsel Roberta Kaplan that is the subject of Plaintiffs' Motion to Enjoin Defendant Cantwell from Making Unlawful Threats Against Plaintiffs and Plaintiffs' Counsel (ECF No. 511) in order to demonstrate that Cantwell continues to be a "danger to the community." *See* Ex. 1, Tr. Recorded Detention Hr'g Before Mag. J. Andrea K. Johnson *United States of America v. Cantwell*, No. 1:20-cr-06-PB (Feb. 20, 2020 D.N.H. 2020) at 44:13-17, 45:17-25; 46:1-4; Ex. 2, Contd. Tr. Recorded Detention Hr'g Before Mag. J. Andrea K. Johnson, *United States of America v. Cantwell*, No. 1:20-cr-06-PB (Feb. 25, 2020 D.N.H. 2020) at 8:1-18, 11:19-24. Magistrate Judge Andrea Johnson agreed, ordering that Mr. Cantwell be detained pending trial in New Hampshire and citing Mr. Cantwell's online posts that "espouse violence or include threats of violence against his perceived adversaries." *See* Ex. 3, Order of Detention Pending Trial as to Christopher Cantwell, *United States of America v. Cantwell*, No. 1:20-cr-06-PB (Feb. 27, 2020 D.N.H. 2020), Doc. No. 20 at 5.

It is Plaintiffs' understanding that Mr. Cantwell remains in federal custody and that his criminal trial is currently scheduled to begin on June 2, 2020.

Dated: May 1, 2020

Respectfully submitted,

/s/

Robert T. Cahill (VSB 38562)  
COOLEY LLP  
11951 Freedom Drive, 14th Floor  
Reston, VA 20190-5656  
Telephone: (703) 456-8000  
Fax: (703) 456-8100  
rcahill@cooley.com

Of Counsel:

Roberta A. Kaplan (*pro hac vice*)  
Julie E. Fink (*pro hac vice*)  
Gabrielle E. Tenzer (*pro hac vice*)  
Michael L. Bloch (*pro hac vice*)  
KAPLAN HECKER & FINK LLP  
350 Fifth Avenue, Suite 7110  
New York, NY 10118  
Telephone: (212) 763-0883  
rkaplan@kaplanhecker.com  
jfink@kaplanhecker.com  
gtenzer@kaplanhecker.com  
mbloch@kaplanhecker.com  
Yotam Barkai (*pro hac vice*)  
BOIES SCHILLER FLEXNER LLP  
55 Hudson Yards  
New York, NY 10001  
Telephone: (212) 446-2300  
Fax: (212) 446-2350  
ybarkai@bsfllp.com

Karen L. Dunn (*pro hac vice*)  
William A. Isaacson (*pro hac vice*)  
Jessica Phillips (*pro hac vice*)  
BOIES SCHILLER FLEXNER LLP  
1401 New York Ave, NW  
Washington, DC 20005  
Telephone: (202) 237-2727  
Fax: (202) 237-6131  
kdunn@bsfllp.com  
wisaacson@bsfllp.com  
jphillips@bsfllp.com

David E. Mills (*pro hac vice*)  
Joshua M. Siegel (VSB 73416)  
COOLEY LLP  
1299 Pennsylvania Avenue, NW  
Suite 700  
Washington, DC 20004  
Telephone: (202) 842-7800  
Fax: (202) 842-7899  
dmills@cooley.com  
jsiegel@cooley.com

Alan Levine (*pro hac vice*)  
Philip Bowman (*pro hac vice*)  
COOLEY LLP  
1114 Avenue of the Americas, 46th Floor New  
York, NY 10036  
Telephone: (212) 479-6260  
Fax: (212) 479-6275  
alevine@cooley.com  
pbowman@cooley.com

J. Benjamin Rottenborn (VSB 84796)  
WOODS ROGERS PLC  
10 South Jefferson St., Suite 1400  
Roanoke, VA 24011  
Telephone: (540) 983-7600  
Fax: (540) 983-7711  
brottenborn@woodsrogers.com

*Counsel for Plaintiffs*

### CERTIFICATE OF SERVICE

I hereby certify that on May 1, 2020, I filed the foregoing with the Clerk of Court through the CM/ECF system, which will send a notice of electronic filing to:

Justin Saunders Gravatt  
David L. Hauck  
David L. Campbell  
Duane, Hauck, Davis & Gravatt, P.C.  
100 West Franklin Street, Suite 100  
Richmond, VA 23220  
jgravatt@dhdglaw.com  
dhauck@dhdglaw.com  
dcampbell@dhdglaw.com

*Counsel for Defendant James A. Fields, Jr.*

Elmer Woodard  
5661 US Hwy 29  
Blairs, VA 24527  
isuecrooks@comcast.net

James E. Kolenich  
Kolenich Law Office  
9435 Waterstone Blvd. #140  
Cincinnati, OH 45249  
jek318@gmail.com

*Counsel for Defendants Matthew Parrott,  
Traditionalist Worker Party, Jason Kessler,  
Nathan Damigo, and Identity Europa, Inc.  
(Identity Evropa)*

Bryan Jones  
106 W. South St., Suite 211  
Charlottesville, VA 22902  
bryan@bjoneslegal.com

*Counsel for Defendants Michael Hill,  
Michael Tubbs, and League of the South*

John A. DiNucci  
Law Office of John A. DiNucci  
8180 Greensboro Drive, Suite 1150  
McLean, VA 22102  
dinuccilaw@outlook.com

*Counsel for Defendant Richard Spencer*

William Edward ReBrook , IV  
The Rebrook Law Office  
6013 Clerkenwell Court  
Burke, VA 22015  
edward@rebrooklaw.com

*Counsel for Defendants Jeff Schoep, National  
Socialist Movement, and Nationalist Front*

I further hereby certify that on May 1, 2020, I also served the following non-ECF participants, via electronic mail, as follows:

Elliot Kline  
eli.f.mosley@gmail.com

Matthew Heimbach  
matthew.w.heimbach@gmail.com

Robert Ray  
azzmador@gmail.com

Christopher Cantwell  
christopher.cantwell@gmail.com

Vanguard America  
c/o Dillon Hopper  
dillon\_hopper@protonmail.com

/s/  
Robert T. Cahill (VSB 38562)  
COOLEY LLP  
11951 Freedom Drive, 14th Floor  
Reston, VA 20190-5656  
Telephone: (703) 456-8000  
Fax: (703) 456-8100  
rcahill@cooley.com

*Counsel for Plaintiffs*